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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,193	12/20/2001	Michael L. Needham	CM03856H	9719

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EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 10/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/027,193

**Applicant(s)**

NEEDHAM ET AL.

**Examiner**

Nick Corsaro

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 0203.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 0201 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-12, and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (5,465,391) in view of Daily et al. (6,377,560).

Consider claim 1, Toyryla discloses a method for a base site to quickly establish a dispatch call, inherently applicable to a CDMA dispatch call (see col. 1 lines 10-21, where Toyryla is discussing a group call setup method independent of system type, i.e., applicable to CDMA because the applicants claimed features are specifying operating procedures such as paging message used by all air interfaces including CDMA). Toyryla discloses transmitting a broadcast page via an outbound paging channel that indicates an outbound traffic channel used for the dispatch call (see col. 1 lines 25-45, col. 3 lines 37-54, col. 4 lines 1-17). Toyryla discloses beginning to transmit -the dispatch call via the traffic channel (see col. 3 lines 37-54, and col. 4 lines 24-35).

Toyryla discloses base stations allocating channels and separately paging mobiles that join the group call where if no mobile responded logically the channel would be deallocated (see col. 4 lines 24-35), however Toyryla does not specifically disclose monitoring an inbound access channel for page responses to the broadcast page; when no page responses are received within a

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period of time, ceasing to transmit the dispatch call via the traffic channel; and deallocating the traffic channel. Daily teaches monitoring an inbound access channel for page responses to the broadcast page; when no page responses are received within a period of time, ceasing to transmit the dispatch call via the traffic channel; and deallocating the traffic channel (see col. 4 lines 37-41 and col. 4 lines 9-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and monitor an inbound access channel for page responses to the broadcast page; when no page responses are received within a period of time, ceasing to transmit the dispatch call via the traffic channel; and deallocating the traffic channel, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

Consider claim 6, Toyryla discloses a base site (see col. 2 lines 45-50).

Toyryla discloses a transmitter; a receiver; and an inherent controller, coupled to the transmitter and receiver adapted to instruct the transmitter to transmit a broadcast page via an outbound paging channel that indicates an outbound traffic channel used for a dispatch call, adapted to instruct the transmitter to transmit the dispatch call via the traffic channel (see col. 1 lines 25-64, col. 3 lines 37-45, col. 4 lines 1-17, and col. 4 lines 24-35, where Toyryla discusses a base station interacting with the system to page mobiles and to allocated cellular system traffic channels for group calls, therefore, inherently having controllers).

Toyryla discloses base stations allocating channels and separately paging mobiles that join the group call where bases would logically monitor for responding mobiles and if no mobile responded logically the channel would be deallocated (see col. 4 lines 24-35), however, Toyryla

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does not specifically disclose the base station adapted to instruct the receiver to monitor an inbound access channel for page responses to the broadcast page; and adapted to deallocate the traffic channel and to instruct the transmitter to cease transmitting the dispatch call via the traffic channel when no page responses are received within a period of time. Daily teaches the base station adapted to instruct the receiver to monitor an inbound access channel for page responses to the broadcast page; and adapted to deallocate the traffic channel and to instruct the transmitter to cease transmitting the dispatch call via the traffic channel when no page responses are received within a period of time (see col. 4 lines 37-41 and col. 4 lines 9-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and have the base station adapted to instruct the receiver to monitor an inbound access channel for page responses to the broadcast page; and adapted to deallocate the traffic channel and to instruct the transmitter to cease transmitting the dispatch call via the traffic channel when no page responses are received within a period of time, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

Consider claim 7, Toyryla discloses a method inherently usable for a CDMA mobile station (MS) to quickly join a CDMA dispatch call (see col. 1 lines 10-21, col. 1 lines 34-45, where Toyryla is discussing a group call setup method independent of system type, i.e., applicable to CDMA because the applicants claimed features are specifying operating procedures such as paging message used by all air interfaces including CDMA). Toyryla discloses receiving a broadcast page on an outbound paging channel that indicates an outbound traffic channel used for the dispatch call (see col. 3 lines 39-53, and col. 4 lines 23-35). Toyryla discloses beginning

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to receive the dispatch call via the traffic channel (see col. 3 lines 40-53, col. 3 lines 65-67, col. 4 lines 1-6 and col. 4 lines 23-35).

Toyryla discloses beginning to receive the dispatch call (col. 3 lines 65-67, col. 4 lines 1-35), however does not specifically disclose transmitting a page response to the broadcast page subsequent to beginning to receive the dispatch call. Daily teaches transmitting a page response to the broadcast page subsequent to beginning to receive the dispatch call (see col. 4 lines 1-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and transmitting a page response to the broadcast page subsequent to beginning to receive the dispatch call, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

Consider claim 14, Toyryla discloses A mobile station (MS) (see col. 3 lines 37-54, col. 3 lines 65-67, and col. 4 lines 1-6). Toyryla discloses a transmitter; a receiver adapted to receive a broadcast page on an outbound paging channel that indicates an outbound traffic channel used for a dispatch call; and an inherent processor, coupled to the transmitter and receiver, adapted to instruct the receiver to begin to receive the dispatch call via the traffic channel (see col. 1 lines 25-42, col. 1 lines 10-21, col. 3 lines 20-54, col. 3 lines 65-67, col. 4 lines 1-6, and col. 4 lines 23-35).

Toyryla discloses the mobiles receiving the page message and join the group call, wherein normally said joining is done via a response to the page (col. 4 lines 1-35), however Toyryla does not specifically disclose the mobile and adapted to subsequently instruct the transmitter to transmit a page response to the broadcast page. Daily teaches the mobile and

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adapted to subsequently instruct the transmitter to transmit a page response to the broadcast page (see col. 4 lines 9-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and have the mobile and adapted to subsequently instruct the transmitter to transmit a page response to the broadcast page, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

Consider claim 2 and 8, Toyryla discloses continuing to transceive the dispatch call when mobile join within a period of time (see col. 3 lines 65-67, and col. 4 lines 1-35). Toyryla does not specifically disclose a page response received within a period of time. Daily teaches a page response received within a period of time (see col. 4 lines 9-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and have a page response received within a period of time, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

Consider claim 9 and 10, Toyryla does not specifically disclose the MS transmits the page response on an inbound common access channel. Daily teaches disclose the MS transmits the page response on an inbound common access channel (see col. 4 lines 9-67, and col. 5 lines 5-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and have the MS transmit the page response on an inbound common access channel, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

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Consider claim 11 and 12, Toyryla does not specifically disclose the inbound common access channel is a slotted response channel. Daily teaches the inbound common access channel is a slotted response channel (see col. 4 lines 9-67, and col. 5 lines 5-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla, and have the inbound common access channel is a slotted response channel, as taught by Daily, thus allowing a more efficient group call by not requiring as many system resources, as discussed by Daily (col. 1 lines 34-40).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla in view of Daily as applied to claim 1 above, and further in view of Madour et al. (6,108,518).

Consider claims 3 and 4, Toyryla discloses, the method and system, as modified by Daily above. Daily further discloses that the response time is a predetermined time and a time out is issued and the channel is released (see col. 4 lines 4 lines 28-41 and col. 5 lines 5-67). Toyryla and Daily do not specifically disclose the period of time is equivalent to an amount of time for a base site to receive a page response to a broadcast page in a worst-case scenario. Madour teaches the period of time is equivalent to an amount of time for a base site to receive a page response to a broadcast page in a worst-case scenario (see abstract lines 17-25 and col. 2 lines 17-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla and Daily, and have the period of time is equivalent to an amount of time for a base site to receive a page response to a broadcast page in a worst case scenario, as taught by Madour, thus allowing system resources to be saved.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla in view of Daily as applied to claim 1 above, and further in view of Bhat et al. (6,075,994).



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Consider claims 5, Toyryla discloses, the method and system, as modified by Daily above. Daily further discloses that the response time is a predetermined time and a time out is issued and the channel is released (see col. 4 lines 4 lines 28-41 and col. 5 lines 5-67). Toyryla and Daily do not specifically disclose the period of time is determined by the base site based on a history of time taken to respond to broadcast pages. Bhat teaches the period of time is determined by the base site based on a history of time taken to respond to broadcast pages (see col. 1 lines 31-50 and col. 3 lines 44-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla and Daily, and have the period of time is determined by the base site based on a history of time taken to respond to broadcast pages, as taught by Bhat, thus allowing system processing load to be reduced, as discussed by Bhat (col. 3 lines 37-44).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla in view of Daily as applied to claim 11 above; and further in view of Raith et al. (6,331,971).

Consider claim 13, Toyryla and Daily does not specifically disclose the MS transmits the page response in a slot determined based on the MS's identification number. Raith teaches the MS transmits the page response in a slot determined based on the MS's identification number (see col. 5 lines 24-45, col. 3 lines 27-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Toyryla and Daily, and have the MS transmits the page response in a slot determined based on the MS's identification number, as taught by Raith, thus allowing a correspondence between the mobiles and the control channel, as discussed by Raith (col. 3 lines 50-52).

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*Conclusion*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(5,533,094), Sanmugam teaches paging response times.

2. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro

A handwritten signature in black ink that reads "Nick Corsaro". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.